

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

SALVATORE SPINNATO, #272-280, *

Petitioner *

v. * CIVIL ACTION NO. JFM-02-4213

J.P. GALLEY, WARDEN, et al., *

Respondents *

* * * * *

RESPONSE TO SECOND MOTION TO COMPEL

Respondents, Jon P. Galley, Warden of Western Correctional Institution, and J. Joseph Curran, Jr., the Attorney General of the State of Maryland, by undersigned counsel, hereby respond to the second motion to compel filed by Petitioner Salvatore Spinnato on January 26, 2006, and state as follows:

1. On January 26, 2006, Petitioner Spinnato filed a second motion to compel Respondents to provide certain documents that he believes Respondents are required to provide this Court. Specifically, he requested the following items, which were not provided by Respondents in their response to his prior motion to compel:

- A. Copies of Exhibits A through G to Respondent's Exhibit 28, which is the State's Answer to Spinnato's Motion to Reopen Post Conviction Proceedings.
- B. A transcript of the November 24, 1997, hearing at which Spinnato's motion to dismiss was denied.

See Petitioner's Second Motion to Compel. Spinnato contends that these items are documents that Respondents are compelled to provide this Court under the applicable rules

of procedure. *See* Petitioner's Second Motion to Compel.

2. When responding to Spinnato's prior motion to compel, Respondents did not possess a transcript of the November 24, 1997, hearing on Spinnato's motion to dismiss and believed, under the circumstances, that the hearing had not been transcribed. Respondents have since obtained a copy of this transcript from the Baltimore County State's Attorney's Office and will file in this Court and serve on Petitioner Spinnato a copy of this transcript with this response. Respondents have also obtained copies of what are believed to be the Exhibits A through G referenced by Petitioner Spinnato. These documents will also be filed in this Court and served on Petitioner Spinnato with this response.

3. Respondents believe they have now supplied this Court and Petitioner Spinnato with all requested items.

Respectfully submitted,

/s/
EDWARD J. KELLEY
Assistant Attorney General
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Counsel for Respondents

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of February, 2006, a copy of the foregoing Response to Second Motion to Compel (with exhibits), which was electronically filed on February 27, 2006, was mailed, first class, postage prepaid, to Salvatore Spinnato #272-280, Western Correctional Institution, 13800 McMullen Highway, Cumberland, Maryland 21502.

/s/
EDWARD J. KELLEY
Assistant Attorney General